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| 09/575,088 | 05/19/2000 | Daniel J. Guinan | NAN00-001 | 9765 |

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EXAMINER

WASYLCHAK, STEVEN R

ART UNIT PAPER NUMBER

3624

DATE MAILED: 10/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

SW

Office Action Summary

Application No.

09/575,088

Applicant(s)

GUINAN, DANIEL J.

Examiner

Steven R. Wasylchak

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on May 19, /2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-14, 16-19, 21-28 and 30-41 are rejected under 35 U.S.C. 102(b) as being anticipated by Huberman (5,826,244).

Claims:

1. A method of electronically closing a multi-party transaction comprising offers from a plurality of parties, the method comprising: receiving a multi-party offer encompassing a set of offers from a plurality of parties, wherein each of said offers, including said multi-party offer, identifies a first value to be provided for a second value;/ col 4, L 4-44; col 11, L 11-15; col 14 L 49-58; col15, L 21-54; col 16, L 48-55; col 18, L 35-42, 51-67

-determining whether any of said offers have expired; /col 11, L 15-25; col 15, L 47-54

-determining whether any of said offers is invalid; /col 3, L 64 to col 4, L 6; col 11, L 11-14; col 12, L 48 to col 13, L 8
and for one or more of said offers:

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-contacting an authority associated with said offer;/col 3, L 64 to col 4,

L 11

-informing said authority of a transaction involving said offer; /col 4, L

19-44

-committing said authority to provide said first value./col 3, L 64 to col

4,L 19; L 31-44; col 5, L 9-32; col 13, L 18-21

2. The method of claim 1, wherein said determining whether any of said

offers have expired comprises:

-examining an expiration of each of said offers; / col 11, L 15-25;

col 15, L 47-54

-determining whether any of said expirations have

passed./ col 11, L 15-25; col 15, L 47-54

3. The method of claim 2, wherein said expirations are included in

said offers./ inherently in: col 11, L 15-25; col 15, L 47-54

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4. The method of claim 1, wherein said determining whether any of said offers is invalid comprises examining a validity indicator associated with each of said offers./ col 3, L 64 to col 4, L 6; col 11, L 11-14; col 12, L 48 to col 13, L 8
5. The method of claim 4, wherein said examining comprises querying said authority associated with each of said offers included in said offers./ col 3, L 64 to col 4, L 11; col 4, L 19-44
6. The method of claim 4, wherein said validity indicators are included in said offers./ inherent in col 3, L 64 to col 4, L 11; col 4, L 19-44
7. The method of claim 1, further comprising determining whether each of said offers is usable./ col 12, L 56 to col 13, L 8
8. The method of claim 7, wherein said determining whether each of said offers is usable comprises accessing a usability indicator associated with each said offer, and wherein said usability indicator indicates a number of times said first value of said offer may be provided./ col 3, L 59 to col 4, L 18; col 10, L 53-61
9. The method of claim 8, wherein said accessing comprises querying said authority associated with each said offer./ col 3, L 59 to col 4, L 18
10. The method of claim 8, wherein said usability indicators are included in said offers./ inherent in col 3, L 59 to col 4, L 18

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11. The method of claim 1, wherein for each said offer said authority is

one of:

-a party offering said first value for said second value; and/ col 4, L 4-

44; col 11, L 7-15; col 14 L 49-58; col15, L 21-54; col 16, L 48-55; col 18, L 35-

42, 51-67

-an entity authorized to close said offer for said party./ col 4, L 4-44;

col 14, L 49-58; col15, L 21-54; col 16, L 48-55; col 18, L 35-42, 51-67

12. The method of claim 1, wherein said committing said authority

comprises:

-providing said authority with one or more terms according to which said
first value of said offer is to be provided; and/ col 11, L 50 to col 12, L 9; col 12,
L 56 to col 13, L 8

- instructing said authority to transfer said first value of said offer to a recipient
of said first value./ col 13, L 14- 32

13. The method of claim 1, further comprising: for each of said offers,

initiating transfer of said first value./ col 8, L 3-13; col 12, L 44-56

14. The method of claim 13, wherein said initiating comprises instructing said
authority to transfer said first value./ col 3, L 1-15; col 4, L 31-44

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16. A method of electronically closing a multi-party transaction comprising a plurality of offers from multiple parties, the method comprising:

- receiving a first offer of a first party to provide a first value in exchange for a second value, wherein said first offer is coupled to a second offer of a second party to provide said second value in exchange for a third value;/ col 4, L 4-44; col 11, L 11-15; col 14 L 49-58; col15, L 21-54; col 16, L 48-55; col 18, L 35-42, 51-67

- contacting a first authority associated with said first offer;/ col 3, L 64 to col 4, L 11

- contacting a second authority associated with said second offer;/ col 3, L 64 to col 4, L 19; L 31-44; col 5, L 9-32; col 13, L 18-21

- initiating transfer of said second value from said second party to said first party; and/ col 3, L 64 to col 4, L 19; L 31-44; col 5, L 9-32; col 13, L 18-21

- initiating transfer of said first value from said first party./ col 3, L 64 to col 4, L 19; L 31-44; col 5, L 9-32; col 13, L 18-21

17. The method of claim 16, further comprising determining whether either of said first offer and said second offer have expired./ col 11, L 15-25; col 15, L 47-54

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18. The method of claim 16, further comprising determining whether said first offer and said second offer are valid./ col 3, L 64 to col 4, L 6; col 11, L 11-14; col 12, L 48 to col 13, L 8
19. The method of claim 16, wherein said first value is a payment comprising receiving said third value to said second party./ col 4, L 4-44; col 11, L 11-15; col 14, L 49-58; col 15, L 21-54; col 16, L 48-55; col 18, L 35-42, 51-67
21. The method of claim 16, further comprising verifying with said second authority that said second value can be provided./ col 3, L 64 to col 4, L 19; L 31-44; col 5, L 9-32; col 13, L 18-21
22. The method of claim 16, wherein said first authority is further associated with one of said first value and said second value./ col 3, L 64 to col 4, L 19; L 31-44; col 5, L 9-32; col 13, L 18-21
23. The method of claim 16, wherein said first authority created said first offer./ col 4, L 4-44; col 11, L 11-15; col 14, L 49-58; col 15, L 21-54; col 16, L 48-55; col 18, L 35-42, 51-67
24. The method of claim 16, wherein said first authority is designated to handle closing of said first offer on behalf of a first party offering said first value in exchange for said second value./ col 3, L 64 to col 4, L 19; L 31-44; col 5, L 9-32; col 13, L 18-21
25. The method of claim 16, wherein said first authority is identified in said first offer./ col 3, L 64 to col 4, L 11

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26. A method of electronically closing a multi-party transaction

comprising a collection of offers from a plurality of parties, the method

comprising:

-receiving said offers, wherein each of said offers is an offer to exchange a first

value in return for a second value;/ col 4, L 4-44; col 11, L 11-15; col 14 L 49-58;

col15, L 21-54; col 16, L 48-55; col 18, L 35-42, 51-67

-initiating a multi-party transaction to close said offers; / col 4, L 4-44;

col 14, L 49-58; col15, L 21-54; col 16, L 48-55; col 18, L 35-42, 51-67

-verifying said offers to ensure each said offer is transactable;/ col 4, L 4-44; col

14, L 49-58; col15, L 21-54; col 16, L 48-55; col 18, L 35-42, 51-67

-authorizing said offers to inform authorities associated with said offers of the

multi-party transaction;/ col 4, L 4-44; col 14, L 49-58; col15, L 21-54; col 16, L

48-55; col 18, L 35-42, 51-67

-committing a first subset of said offers to initiate transfer of said first values of

said first subset of offers; and/ col 4, L 4-44;

col 14, L 49-58; col15, L 21-54; col 16, L 48-55; col 18, L 35-42, 51-67

-if any of said first values of said offers are monetary values, remitting a second

subset of said offers comprising those offers having monetary values as said first

values./ col 6, L 34-43; col 4, L 4-44; col 14, L 49-58; col15, L 21-54; col 16, L 48-

55; col 18, L 35-42, 51-67

27. The method of claim 26, wherein said verifying a first offer comprises:

-determining whether said first offer is expired;/ col 11, L 15-25;

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col 15, L 47-54

-determining whether said first offer is valid; and/ col 3, L 64 to col 4, L 6; col 11, L 11-14; col 12, L 48 to col 13, L 8

-determining whether said first value of said first offer has already been provided a maximum number of times./ col 3, L 59 to col 4, L 18; col 10, L 53-61

28. The method of claim 26, wherein said authorizing a first offer comprises:

-contacting a first authority associated with said first offer; and/ col 3, L 59 to col 4, L 18

-receiving from said first authority an agreement to provide said first value of said first offer./ col 4, L 4-44; col 11, L 11-15; col 14 L 49-58; col15, L 21-54; col 16, L 48-55; col 18, L 35-42 51-67

30. The method of claim 26, wherein said remitting a first offer having a monetary value as said first value comprises:

-receiving said monetary value; and/col 6, L 30-43; col 4, L 4-44; col 14, L 49-58; col15, L 21-54; col 16, L 48-55; col 18, L 35-42, 51-67

-forwarding a portion of said monetary value to a party associated with a second offer having said col 4, L 4-44; col 14, L 49-58; col15, L 21-54; col 16, L 48-55; col 18, L 35-42, 51-67 portion as said second value of said second offer./ col 6, L 30-43;

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31. A computer readable storage medium storing instructions that, when executed by a computer, cause the computer to perform a method of electronically closing a multi-party transaction comprising a plurality of offers from multiple parties, the method comprising:

-receiving a first offer of a first party to provide a first value in exchange for a second value, wherein said first offer is coupled to a second offer of a second party to provide said second value in exchange for a third value;/ col 4, L 4-44; col 11, L 11-15; col 14 L 49-58; col15, L 21-54; col 16, L 48-55; col 18, L 35-42, 51-67

-contacting a first authority associated with said first offer, contacting a second authority associated with said second offer; initiating transfer of said second value from said second party to said first party; and initiating transfer of said first value from said first party./

All the above refer to Claim 16.

32. An apparatus for facilitating the closure of a multi-party transaction comprising a plurality of offers, the apparatus comprising:

-a communication device configured to receive a first offer to provide a first value in exchange for a second value, wherein said first offer is coupled to a second offer to provide said second value for a third value;/ col 4, L 4-44; col 11, L 11-15; col 14 L 49-58; col15, L 21-54; col 16, L 48-55; col 18, L 35-42, 51-67

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-an authorization module configured to notify a first party associated with said first offer and a second party associated with said second offer of the transaction; a commitment module configured to commit said second party to providing said second value; and a remittance module configured to facilitate remittance of said third value to said second party./ All refer to claim 16

33. The apparatus of claim 32, wherein said communication device is a computer system comprising said authorization module, said commitment module and said remittance module./ fig 2(all); col 6, L 43-56; col 8, L 14-23

34. The apparatus of claim 32, further comprising a verification module configured to verify said first offer and said second offer./ col 3, L 64 to col 4, L 6; col 11, L 11-14; col 12, L 48 to col 13, L 8

35. The apparatus of claim 32, wherein said authorization module is further configured to determine whether said second party will provide said second value./ col 3, L 64 to col 4, L 6; col 11, L 11-14; col 12, L 48 to col 13, L 8

36. The apparatus of claim 35, wherein said commitment module directs said second party to deliver said second value./ col 3, L 64 to col 4, L 6; col 11, L 11-14; col 12, L 48 to col 13, L 8

37. The apparatus of claim 32, wherein said first value comprises a monetary payment for said second value, and wherein said remittance module is configured to receive said monetary payment and forward said third value toward said second party./ col 4, L 4-44; col 11, L 11-15; col 14, L 49-58; col 15, L 21-54; col 16, L 48-55; col 18, L 35-42, 51-67

38. The apparatus of claim 32, further comprising an offer parser

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configured to parse said first offer./ col 4, L 4-44; col 7, L 45-65; col 11, L 11-15;
col 14 L 49-58; col 15, L 21-54; col 16, L 48-55; col 18, L 35-42, 51-67;

39. The apparatus of claim 38, wherein said first offer comprises said second offer and said offer parser is further configured to retrieve said second offer from said first offer./ col 4, L 4-44; col 7, L 45-65(parse offers); col 11, L 11-15; col 14 L 49-58; col 15, L 21-54; col 16, L 48-55; col 18, L 35-42, 51-67

40. The apparatus of claim 38, wherein said offer parser is also configured to retrieve from said first offer information to facilitate contact with said first party./ col 4, L 4-44; col 7, L 45-65(parse offers); col 11, L 11-15;
col 14 L 49-58; col 15, L 21-54; col 16, L 48-55; col 18, L 35-42, 51-67

41. The apparatus of claim 40, wherein said information includes one of a network address and a resource identifier./ col 2, L 47-57; col 5, L 35-57

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Huberman (US 5,826,244) and in view of Walker et al (US 6,041,308).

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Claim 15. Huberman does not explicitly disclose said first value of said multi-party offer is payment for said second value of said multi-party offer, further comprising remitting a portion of said payment to an authority associated with an offer to provide said second value of said multi-party offer in exchange for said payment portion. However, Walker et al. discloses the feature (col 6, L 15-35). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to use this limitation for the advantage of compensation for services rendered in offer preparation.

3. Claims 20, 29, 42 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huberman (US 5,826,244) and in view of Van Horn et al (US 6,604,089).

Claim 20. Huberman teaches receiving with said first offer said second authority./ col 3, L 64 to col 4, L 19; L 31-44; col 5, L 9-32; col 13, L 18-21

However, Huberman does not explicitly disclose an option concerning said second value; and communicating said option. However, Van Horn et al discloses the feature (col 6, L 32-52: price range, product variant). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to use this limitation for the advantage of flexibility in negotiation to increase the chances of completing the transaction.

Claim 29. Huberman teaches contacting a first authority associated with said first offer and informing said first authority to deliver said good or service./

Huberman: col 3, L 64 to col 4, L 11; col 4, L 19-44. Huberman does not disclose

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if said first offer includes an option for said good or service, providing said option to said first authority. However, Van Horn et al discloses the feature (col 6, L 32-52: price range, product variant). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to use this limitation for the advantage of flexibility in negotiation to increase the chances of completing the transaction.

Claim 42. Huberman teaches said offer parser is also configured to retrieve from said first offer a for said second value./ refer to claim 20. Huberman does not teach a selectable option. However, Van Horn et al discloses the feature (col 6, L 32-52: price range, product variant). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to use this limitation for the advantage of flexibility in negotiation to increase the chances of completing the transaction.

Claim 43. Huberman teaches said is communicated to said second party by one or more of said authorization module, said commitment module and said remittance module/ refer to claim 1, 20. Huberman does not teach a selectable option. However, Van Horn et al discloses the feature (col 6, L 32-52: price range, product variant). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to use this limitation for the advantage of flexibility in negotiation to increase the chances of completing the transaction.

This action is NON-FINAL. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven R.

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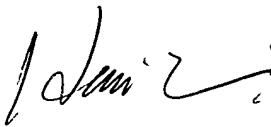

Wasylichak whose telephone number is (703) 308-2848. The examiner can normally be reached on Monday-Thursday from 7:00 a.m. to 6:00 p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin, can be reached at (703) 308-1065. The fax number for Art Unit 3624 is (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Steven Wasylichak

10/4/03



HANI M. KAZIMI
PRIMARY EXAMINER